

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**COMMONWEALTH OF  
MASSACHUSETTS EX REL.  
MYKEL POWELL,  
COMMONWEALTH SECOND  
AMENDMENT and MYKEL  
POWELL; and BRENT  
CARLTON,  
Plaintiffs,**

**v.**

**C.A. No.: 18-11336-FDS**

**SGT. BRIAN HOLMES in his  
official capacity as Sergeant of the  
Stoughton Police Department,  
JAMES O’CONNOR in his  
individual and official capacity as  
Deputy Chief of the Stoughton  
Police Department, DONNA M.  
McNAMARA, in her individual  
and official capacity as Chief of  
the Stoughton Police Department,  
VILLAGE GUN SHOP, INC.  
d/b/a VILLAGE VAULT and  
PETER DOWD,  
Defendants.**

**JOINT STATEMENT PURSUANT TO RULES 16 AND 26 OF THE FEDERAL RULES  
OF CIVIL PROCEDURE AND LR, D.MASS.16.1**

Now come the parties in the above-captioned matter and, pursuant to Fed.R.Civ.P. 16 and 26 as well as LR, D.Mass. 16.1, hereby submit the following as their joint statement as to a proposed scheduling order and as to initial matters appropriate for discussion at the October 23, 2019 initial scheduling conference.

**I. PROPOSED DISCOVERY PLAN AND MOTION SCHEDULE**

**A. Initial Disclosures:** The parties will exchange their initial disclosures as required by Fed.R.Civ.P. 26 (a) (1) by November 6, 2019.

B. **Amendments to the Pleadings:** Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after April 23, 2020.

C. **Fact Discovery - Interim Deadlines:**

1. Initial written discovery requests, except for requests for admissions, will be served by December 6, 2019.
2. Depositions of all fact witnesses will be completed by May 22, 2020.
3. Requests for admissions will be served by May 22, 2020.

D. **Fact Discovery - Final Deadline:** All discovery, other than expert discovery, must be completed by June 23, 2020.

E. **Status Conference:** A status conference will be held on a date as set by the Court.

F. **Expert Discovery:**

1. Plaintiff's trial experts must be designated, and the information contemplated by Fed.R.Civ.P. 26 (a) (2) must be disclosed, by July 23, 2020.
2. Plaintiff's trial experts must be deposed by September 23, 2020.
3. Defendants' trial experts must be designated, and the information contemplated by Fed.R.Civ.P. 26 (a) (2) must be disclosed, by August 24, 2020.
4. Defendants' trial experts must be deposed by September 23, 2020.

G. **Dispositive Motions:**

1. Dispositive motions, including any partial summary judgment motions, must be filed by October 23, 2020.
2. Any opposition to a dispositive motion must be filed within twenty-one (21) days after filing of the motion.
3. Any reply memorandum to an opposition must be filed within seven (7) days of the filing of the opposition.

## **II. ALTERNATIVE DISPUTE RESOLUTION**

The parties do not wish to be referred to a magistrate for a mediation at this time.

## **III. CERTIFICATIONS**

The parties' various certificates pursuant to LR, D.Mass. 16.1 (D) (3) have been or will be filed separately.

## **IV. CONSENT TO A MAGISTRATE**

The parties do not consent to trial by a magistrate.

THE PLAINTIFFS,  
By their attorneys,

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DEFENDANTS HOLMES, O'CONNOR  
and McNAMARA,  
By their attorney,

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DEFENDANTS VILLAGE GUN  
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VAULT and PETER DOWD,  
By their attorney,

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 16, 2019.

/s/ David D. Jensen  
David D. Jensen